

REMARKS

As part of this amendment, Claims 1-4, 12, 15, 17, 18, 20, 25, 37, 47, 69, 70, 74, 75, 81, 89, 147, 158, 216, 286, 287, 291, 293, 301 and 302 have been amended.

Specifically Claims 1-3 have been amended to respond to the 35 U.S.C. § 102(b) rejections in the Office Action dated November 3, 2003 as discussed in detail below and Claims 4, 12, 17, 25, 37, 47, 69, 70, 74, 75, 81, 89, 147, 158, 159, 216, 286, 287, 291, 293, 301 and 302 have been amended to make Claims 4-302 dependent on Claim 1. Claims 4-302 had previously been withdrawn in response to the Restriction Requirement in the Office Action dated February 6, 2003. Since the originally elected Claim 1 is now clearly generic to Claims 4-302 and Claims 4-302 in many cases claim particular embodiments or specific details of the invention of Claim 1, it is respectfully requested that Claims 4-302 in their amended or original form be examined.

With respect to the 35 U.S.C. § 102(b) rejection of Claims 1 and 2 as being anticipated by Finocchio in the Office Action dated November 3, 2003, Claim 1 has been amended to more clearly define the invention and to more clearly distinguish the claimed invention over Finocchio, U.S. Patent No. 5,317,135. In particular, Claim 1 has been amended to define the lottery tickets being read by the electronic validation machine as being probability lottery tickets where each lottery ticket has more than one potential redemption value and where the actual redemption value depends on the particular indicia under the play spots that have been removed. The ticket data is defined as including which of the play indicia are covered by which play spots. After using the detector to determine which play spots have been removed, the electronic validation machine determines the redemption value of the lottery ticket. This is in contrast to the lottery tickets described in Finocchio which are conventional instant lottery tickets that have only one predetermined redemption value and its redemption value is determined when the ticket is printed. As a result, the apparatus in Finocchio can only confirm the prize value previously printed on the ticket and not select between two or more redemption values depending upon which

play spots have been removed. Thus, the system of Claim 1 performs a function not described or even suggested by Finocchio. In addition, the electronic validation machine uses data printed on the lottery ticket that relates which of the play indicia are located under which of the play spots, a concept not described in Finocchio, to compute either the first or the second redemption value.

As a result, because Finocchio does not disclose elements of Claims 1 as amended, it is respectfully requested that Claim 1 along with its dependent Claims 2 and 3 be allowed over this reference.

Both Claim 2 and Claim 3 have also been amended to more clearly conform to the subject matter of Claim 1. In each case, the subject matter of these claims is additionally patentable over Finocchio as well as the other art cited in the Office Action.

With reference to paragraph 11 of the Office Action, it is respectfully asserted that the references cited in this paragraph, Sultan, Kamille Sanchez and Schroeder, are not prior art to the claims currently in this application. This application's original parent application, Serial No. 263,888, now U.S. Patent No. 5,599,046, was filed on June 22, 1994 which is more than a year before the effective filing date of any of these references. Material supporting Claims 1-3 disclosed on page 52, line 12 to page 58, line 28 of this application is virtually identical to the material disclosed in col. 27, line 15 to col. 31, line 33 of the parent application, now U.S. Patent No. 5,599,046. As a result, Claims 1-3 should be patentable over the references cited in paragraph 11 of the Office Action.

It is believed that no fee, in addition to the Request for Continued Examination and the extension of time fee which accompany this paper, is due for this paper. However, if an additional fee is due please charge Deposit Account No. 13-2495 for any such fees incurred herein.

Therefore, it is respectfully requested that the amendments to Claims 1-4, 12, 15, 17, 18, 20, 25, 37, 47, 69, 70, 74, 75, 81, 89, 147, 158, 216, 286, 287, 291, 293, 301 and 302 be entered, the restriction requirement relating to Claims 4-302 be withdrawn, Claims 4-302 be examined and that this application issue to Letters Patent with Claims 1-302 forming a part thereof.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael B. McMurry". The signature is fluid and cursive, with a large, sweeping flourish at the end.

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